

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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OSWALDO CRUZ,  
MARY MARTHA LITTLEJOHN, and  
ROBERT GREG WINN, on behalf of  
themselves and a class of those similarly  
situated,

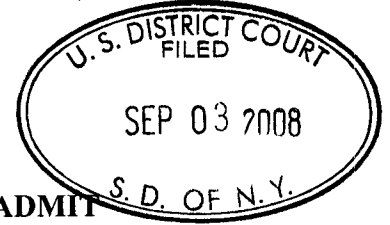
Plaintiffs,

-against-

LAWSON SOFTWARE, INC.,  
LAWSON SOFTWARE AMERICAS, INC.,

Defendants.  
-----X

Index No.: 08 CIV 4704 (SHS) (THK)



**MOTION TO ADMIT  
COUNSEL PRO HAC VICE**

Pursuant to Rule 1.3(c) of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York, I, Loretta M. Gastwirth, Esq., a member of Meltzer, Lippe, Goldstein & Breitstone, LLP, local counsel to defendants in this action, and a member in good standing of the bar of this Court, hereby move for an Order allowing the admission *pro hac vice* to represent defendants Lawson Software, Inc., and Lawson Software Americas, Inc. for all purposes, of:

Ruth S. Marcott, Esq.  
Felhaber, Larson, Fenlon & Vogt, P.A.  
220 South Sixth Street, Suite 2200  
Minneapolis, MN 55402-4504  
Telephone: 612-373-8511  
Fax: 612-338-0535  
[rmarcott@felhaber.com](mailto:rmarcott@felhaber.com)

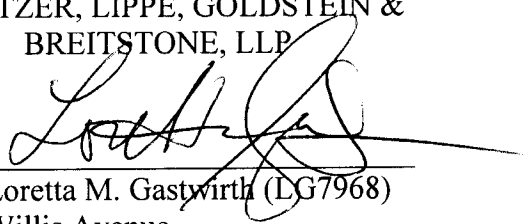
Ruth S. Marcott, Esq. is a member in good standing of the Bar of the States of Minnesota and Wisconsin.

There are no pending disciplinary proceedings against Ruth S. Marcott in any State or Federal court.

Dated: Mineola, New York  
August 29, 2008

Respectfully submitted,

MELTZER, LIPPE, GOLDSTEIN &  
BREITSTONE, LLP

By:   
Loretta M. Gastwirth (LG7968)

190 Willis Avenue  
Mineola, New York 11501  
Tel: (516) 747-0300  
Fax: (516) 237-2893  
[lgastwirth@meltzerlippe.com](mailto:lgastwirth@meltzerlippe.com)

*Attorneys for Defendants*

To: Christine E. Webber, Esq.  
Llezie Green Coleman, Esq.  
COHEN MILSTEIN HAUSFELD & TOLL, PLLC  
1100 New York Avenue, NW, Suite 500  
Washington, DC 20005  
Tel: (202) 408 4600

Clayton D. Halunen, Esq.  
Charles V. Firth, Esq.  
HALUNEN & ASSOCIATES  
220 South Sixth Street, Suite 2000  
Minneapolis, MN 55402  
Tel: (612) 605-4098  
*Attorneys for Plaintiffs*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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OSWALDO CRUZ,  
MARY MARTHA LITTLEJOHN, and  
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themselves and a class of those similarly  
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-against-

LAWSON SOFTWARE, INC.,  
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Defendants.

-----X

STATE OF NEW YORK     )  
                                  ) ss.:  
COUNTY OF NASSAU     )

Index No.: 08 CIV 4704 (SHS) (THK)

**AFFIDAVIT OF LORETTA M.  
GASTWIRTH IN SUPPORT  
OF MOTION TO ADMIT  
COUNSEL *PRO HAC VICE***

Loretta M. Gastwirth, being duly sworn, deposes and says as follows:

1. I am a member of the law firm Meltzer, Lippe, Goldstein & Breitstone, LLP, local counsel for defendants Lawson Software, Inc. and Lawson Software Americas, Inc. ("Lawson") in the above-captioned action and I am fully familiar with the proceedings in this case. I make this statement based on my personal knowledge of the facts set forth herein and in support of defendants' motion to admit Ruth S. Marcott, Esq. as counsel *pro hac vice* to represent defendants Lawson in this matter for all purposes.

2. I am a member in good standing of the bar of the State of New York, and was admitted to practice law in 1980. I am also admitted to the bar of the United States District Courts for the Southern, Eastern and Northern Districts of New York, Second Circuit Court of Appeals and the United States Supreme Court and am in good standing with this Court.

3. I have recently come to know Ruth Marcott, Esq. when my firm was retained in this case to act as local counsel on behalf of our client Lawson.

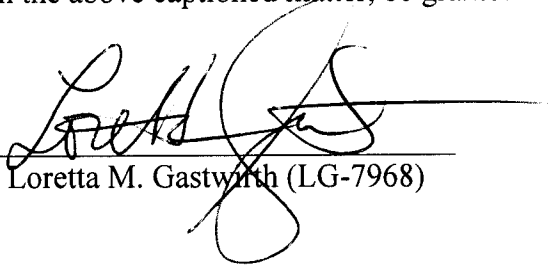
4. Ruth Marcott, Esq. is the Chair of the Employee Benefits section of Felhaber Larson Fenlon & Vogt, P.A., a prominent law firm located in Minneapolis, Minnesota. She is a member in good standing of the Bar of the States of Minnesota and Wisconsin. There are no pending disciplinary proceedings against Ruth Marcott in any State or Federal court. Copies of her Certificate and Letter of Good Standing for the State Courts of Minnesota and Wisconsin are annexed hereto collectively as Exhibit A.

5. I have found Ruth Marcott, Esq. to be a skilled attorney and a person of integrity. She is an experienced litigator who has handled many matters in both the federal and state courts of many states. Ms. Marcott particularly is skilled in the areas of employee benefits and ERISA. Ms. Marcott is also highly experienced in federal practice and is familiar with the Federal Rules of Civil Procedure. She has or will also become familiar with the Local Rules of the United States District Court for the Southern District of New York and the individual rules of Judge Stein and Magistrate Judge Katz.

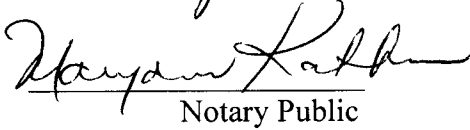
6. Accordingly, I am pleased to move the admission of Ruth S. Marcott, Esq., *pro hac vice*, for all purposes.

7. I respectfully submit a proposed order granting the admission of Ruth Marcott, Esq., *pro hac vice*, for all purposes which is attached hereto as Exhibit B.

WHEREFORE, it is respectfully requested that the motion to admit Ruth S. Marcott, Esq. *pro hac vice*, for all purposes to represent defendants in the above captioned matter, be granted.

  
Loretta M. Gastwirth (LG-7968)

Sworn to before me this  
20<sup>th</sup> day of August, 2008

  
Notary Public

MARYANN KATCHEN  
NOTARY PUBLIC, STATE OF NEW YORK  
NO. 4891017  
QUALIFIED IN QUEENS COUNTY  
CERTIFICATE FILED IN NASSAU COUNTY  
COMMISSION EXPIRES 4/27/11



KEITH L. SELLEN  
DIRECTOR

# Supreme Court of Wisconsin

## OFFICE OF LAWYER REGULATION

110 EAST MAIN STREET, SUITE 315

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Toll Free: (877) 315-6941

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Web Site: [www.wicourts.gov/olr](http://www.wicourts.gov/olr)

August 11, 2008

Attorney Ruth Silseth Marcott  
Felhaber Larson Fenlon & Vogt  
444 Cedar Street, Suite 2100  
St. Paul, MN 55101-2136

Re: Admission Date: July 14, 1995  
Wisconsin Bar ID No. 1026064

Dear Attorney Marcott:

This is to certify that the undersigned is the Director of the Office of Lawyer Regulation, which is the Supreme Court agency responsible for attorney discipline and complaint records.

We have carefully examined our records and have determined that you have never been disciplined in the State of Wisconsin, nor are there any pending disciplinary proceedings against you. Moreover, no complaints or grievances have been filed against you, which are under investigation by our agency, and you are active and in good standing regarding your license to practice law in Wisconsin.

Very truly yours,

A handwritten signature in black ink, appearing to read "KEITH L. SELLEN", is written over a horizontal line.

KEITH L. SELLEN  
Director

KLS:ss

# STATE OF MINNESOTA IN SUPREME COURT

## *Certificate of Good Standing*

This is to certify that the following lawyer is in good standing.

RUTH SILSETH MARCOTT

was duly admitted to practice as a lawyer and counselor at law in all the courts of this state on

October 03, 1986

Given under my hand and seal of this court on

August 28, 2008



*Fredrick K. Gritner*  
Fredrick K. Gritner  
Clerk of Appellate Courts

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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OSWALDO CRUZ,  
MARY MARTHA LITTLEJOHN, and  
ROBERT GREG WINN, on behalf of  
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Plaintiffs,

-against-

LAWSON SOFTWARE, INC.,  
LAWSON SOFTWARE AMERICAS, INC.,

Defendants.

-----X

Index No.: 08 CIV 47047 (SHS) (THK)

**ORDER FOR ADMISSION  
*PRO HAC VICE*  
ON WRITTEN MOTION**

Upon the motion of Meltzer, Lippe, Goldstein & Breitstone, LLP, attorneys for defendants, Lawson Software, Inc., and Lawson Software Americas, Inc., and the sponsoring attorney's affidavit of Loretta M. Gastwirth, Esq. in support;

**IT IS HEREBY ORDERED** that

Ruth S. Marcott, Esq.  
Felhaber, Larson, Fenlon & Vogt, P.A.  
220 South Sixth Street, Suite 2200  
Minneapolis, MN 55402-4504  
Telephone: 612-373-8511  
Fax: 612-338-0535  
[rmarcott@felhaber.com](mailto:rmarcott@felhaber.com)

is admitted to practice *pro hac vice* for all purposes as counsel for defendants Lawson Software, Inc. and Lawson Software Americas, Inc. in the above-captioned case pending in the United States District Court for the Southern District of New York. All attorneys appearing before this Court are subject to the Local Rules of this Court, including the Rules governing discipline of attorneys. If this action is assigned to the Electronic Case Filing (ECF) system, counsel shall



immediately apply for an ECF password at [nysd.uscourts.gov](http://nysd.uscourts.gov). Counsel shall forward the *pro hac vice* fee to the Clerk of the Court.

Dated:

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United States District/Magistrate Judge

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X

OSWALDO CRUZ,  
MARY MARTHA LITTLEJOHN, and  
ROBERT GREG WINN, on behalf of  
themselves and a class of those similarly  
situated,

Plaintiffs,

Index No.: 08 CIV 4704 (SHS) (THK)

**AFFIDAVIT OF SERVICE**

-against-

LAWSON SOFTWARE, INC.,  
LAWSON SOFTWARE AMERICAS, INC.,

Defendants.

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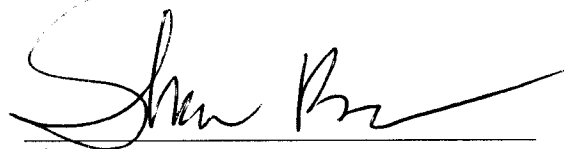
STATE OF NEW YORK     )  
                                  ) ss.:  
COUNTY OF NASSAU     )

Sharon Brown, being duly sworn, deposes and says, I am not a party to this action; I am over 18 years of age and I reside in the County of Nassau, State of New York.

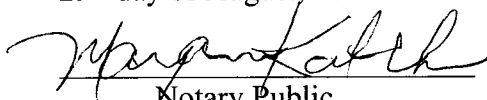
On August 29, 2008, I served the within **Motion to Admit Counsel *Pro Hac Vice* with Supporting Affidavit and Proposed Order**, by depositing a true copy of same enclosed in a post-paid, properly addressed wrapper, in a post-office/official depository under the exclusive care and custody of the United States Postal Service within the State of New York upon:

Christine E. Webber, Esq.  
Liezlie L. Green, Esq.  
COHEN MILSTEIN HAUSFELD & TOLL, PLLC  
1100 New York Avenue, NW, Suite 500  
Washington, DC 20005

Clayton D. Halunen, Esq.  
Charles V. Firth, Esq.  
HALUNEN & ASSOCIATES  
220 South Sixth Street, Suite 2000  
Minneapolis, MN 55402

  
Sharon Brown

Sworn to before me this  
29<sup>th</sup> day of August, 2008.

  
Notary Public

436568-1

MARYANN KATCHEN  
NOTARY PUBLIC, STATE OF NEW YORK  
NO. 4891017  
QUALIFIED IN QUEENS COUNTY  
CERTIFICATE FILED IN NASSAU COUNTY  
COMMISSION EXPIRES 7/7/2011